CRIMINAL LAW—ARRAIGNMENT—WAIVER.—The defendant was on trial for assault and robbery. He was not arraigned, but he moved for continuance and submitted to trial without protest. *Held,* that he could not waive arraignment. *State* v. *Walton* (1907), — Ore. —, 91 Pac. Rep. 495.

The question raised in the principal case has repeatedly been the subject of controversy in the American courts. On the one hand, many cases hold, with the principal case, that the public has an interest in the proper arraignment of every one charged with a felony, and therefore such arraignment cannot be waived. *Wilson* v. *State,* 42 Miss. 639. Notwithstanding that one went to trial, without objection, and the case was argued in his behalf, he does not waive arraignment in case of felony. *People* v. *Corbett,* 28 Cal. 328. Where there is no arraignment and no plea, the conviction will be reversed. *State* v. *Lewellyn,* 93 Mo. App. 469, 67 S. W. 677. See also *Blevins* v. *Territory,* 4 Ariz. 68, 77 Pac. 616; *State* v. *Ford,* 30 La. Ann. 311. In conflict with the above cases and the principal case are many cases that hold that arraignment is a personal right which may be waived. When defendant went to trial without formal arraignment and plea, and during the course of the trial he expressly waived such right, he will not be permitted to object after verdict. *State* v. *Glave,* 51 Kan. 330, 33 Pac. 8. Where there is sufficient in the record to show the presence of the defendant in court, although the indictment was not read to him nor demand for plea made, he waived such rights by pleading to the indictment. *Dixon* v. *State,* 13 Florida, 631. After a trial on its merits as if a plea of "not guilty" had been filed, the failure of accused to so plead is not ground for reversal. *State* v. *Straub,* 47 Pac. 227, 16 Wash. 111. See also *U. S.* v. *Molloy* (C. C.), 31 Fed. 19; *Ransom* v. *State,* 49 Ark. 176. The tendency of most courts, however, seems to be towards the doctrine of the principal case.

DAMAGES—PERSONAL INJURIES—EXPENSE OF NURSING.—Plaintiff, while engaged as a driver in defendant's coal mine, was injured through defendant's negligence. There was no evidence that plaintiff had incurred any expense for nursing, but that he was cared for by his family, and that such care was worth from $15.00 to $20.00. *Held,* plaintiff could recover nothing for such services because rendered by his family. *Jones & Adams Co.* v. *George* (1907), — Ill. —, 81 N. E. Rep. 4.

This case is in accord with prior decisions in Illinois holding that the husband cannot recover the value of services rendered in nursing him by members of his family, because he is not liable for such services. *Chicago, Burlington & Quincy R. R. Co.* v. *Johnson,* 24 Ill. App. 468; *Peoria, Decatur & Evansville Ry. Co.* v. *Johns,* 43 Ill. App. 83. The courts of Pennsylvania also hold that the husband cannot recover for such services unless the members of his family rendering the services are hired servants, or unless there is an express contract by him to pay. *Goodhart* v. *The Pennsylvania R. R. Co.,* 177 Pa. St. 1, 35 Atl. 191, 55 Am. St. Rep. 705. But the weight of authority, and also the modern tendency, as evidenced by decisions and recent text-books, seem to be contrary to this view. The reason given for allowing the husband to recover in such cases is, that the gift of services is